
 <b>Cambridge Police Department</b>	<b>POLICY &amp; PROCEDURES</b>		<b>No. 440</b>
	Subject/Title: <b>Arrest Guidelines</b>		
	Issuing Authority: 	Issue Date: <b>January 8, 2010</b>	Effective Date: <b>January 22, 2010</b>
	Robert C. Haas Police Commissioner	Review Date:	Rescinds:
References/ Attachments: M.G.L. c. 41, § 98A; c. 40, § 8G; c. 276, §§ 10A-10D	Accreditation Standards: 1.2.5 & 1.2.7		

**I. PURPOSE:**

To establish guidelines for Cambridge Police officers to follow when making an arrest and to ensure that the constitutional and statutory rights of those being arrested are properly observed at all times.

**II. POLICY STATEMENT:**

It is the policy of this department that officers will provide all persons under arrest and in police custody all constitutional and statutory rights to which they are entitled at the time of their arrest and while in custody thereafter.

**III. GENERAL CONSIDERATIONS AND GUIDELINES:**

The authority to arrest, and thereby deprive a person of his liberty, is one of the most important and sensitive duties conferred upon a police officer. Whenever there is sufficient time and opportunity to do so, officers should seek a warrant in advance of an arrest. In any case, where the offender does not create a threat to the public, or is not likely to flee, it is good police practice to obtain a warrant prior to arrest. This principle is particularly true for less serious offenses.

Given the nature of police work, however, many arrests must be made without a warrant. Police officers should have a clear understanding of their powers, responsibilities and duties of arrest under the law. If an unlawful arrest is made, any search made incidental to that arrest will likewise be found to be unlawful, and any evidence seized declared inadmissible. Any confession or admissions made after an unlawful arrest will also be excluded from evidence in a criminal trial.

Every police officer must also recognize that there is no such thing as a "routine arrest." Because of the unpredictability of human behavior, there is potential for danger in every arrest. Officers have engaged in life-threatening struggles in situations that initially appeared to be a simple misdemeanor arrest or a routine motor vehicle stop. Officers should always be alert to danger and should always anticipate the unexpected.

#### IV. DEFINITIONS OF TERMS:

- A. **Arrest:** The power and authority of a police officer to apprehend and deprive persons of their liberty, as provided by law, in order that such persons may be brought before the court to answer to criminal charges.
- B. **Probable Cause:** Probable cause for arrest exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.<sup>1</sup>
- C. **Felony:** Any crime punishable by death or imprisonment in the state prison.<sup>2</sup>
- D. **Misdemeanor:** Any criminal offense less than a felony.<sup>3</sup>
- E. **Breach of the Peace:** A violation of public order or decorum that disturbs the public peace and tranquility, or any act of disorderly conduct which disrupts the public peace.
- F. **Arrest Warrant:** An order issued by an authorized court official, directed to officers authorized to serve criminal process, commanding them to arrest the person named or described therein and to bring such person before the court to answer to a charge of crime.

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<sup>1</sup> *Commonwealth v. Hanson*, 387 Mass. 169, 174 (1982) (quoting *Brinegar v. United States*, 338 U.S. 160, 175 (1949) (additional citations omitted)).

<sup>2</sup> M.G.L. c. 274, § 1

<sup>3</sup> M.G.L. c. 274, § 1

**V. ARRESTS IN GENERAL:<sup>4</sup>**

- A. Arrest with Warrants:** Whenever possible, arrests should be made with a warrant.
- B. Inappropriate Purpose of Arrest:** An officer will not make an arrest with the purpose to show authority or to vent personal feelings.
1. The attitude of the offender should not be the determining factor in making an arrest.
  2. Verbal abuse alone is not a sufficient justification for an arrest.
  3. An arrest should not be used to resolve a problem when other options are available.
- C. Establishment of Arrest:** To effectively and lawfully execute an arrest, there must be:
1. An intention on the part of the police officer to make an arrest;
  2. That intent must be communicated to the person to be arrested; and
  3. Either a physical seizure or submission to the officer by the arrested person.
- D. Conditions of Arrest:** A duly authorized police officer may make a lawful arrest if any of the following conditions are met:
1. *Arrest with a Warrant:*
    - a. Where the officer possesses a valid arrest warrant.
    - b. Where the officer making the arrest and detention has actual knowledge that a warrant is in full force and effect and for a person has in fact issued.
  2. *Arrest without a warrant:*
    - a. For a felony, if he/she has probable cause to believe the person to be

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<sup>4</sup> CALEA Std. **1.2.5** – A written directive specifies the procedures for any arrest, made with or without a warrant, and includes the criteria for:

- a. preparing reports;
  - b. fingerprinting; and
  - c. photographing.
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arrested has committed or is committing a felony.

- b. For a misdemeanor committed in the officer's presence that constitutes a breach of the peace or for a misdemeanor not involving a breach of the peace where a warrantless arrest is allowed by statute.<sup>5</sup>

**E. Existence of Probable Cause:** In addition to having lawful authority, the Fourth Amendment requires that a police officer possess "probable cause" in order to make a valid arrest without a warrant.

**F. Parameters of Probable Cause:** The element of probable cause must exist at the time of arrest. Subsequent events or information acquired later cannot be used to justify that arrest.

1. The information upon which an officer relies in making an arrest must be more than just rumor or mere suspicion, but it does not require sufficient evidence to justify a conviction. It does require a reasonable, common sense approach by a police officer and an honest judgment based upon a combination of factors, any of which standing alone might not be enough to justify an arrest but which, if viewed as a whole, constitutes probable cause.
2. Probable cause to make an arrest is always an overriding consideration for every police officer. Whether or not an arrest is based on probable cause will depend on a variety of factors, and unless the offense is committed in the officer's presence, usually no single factor alone is controlling.
3. Therefore, the totality of circumstances surrounding the arrest is of the greatest importance. Each officer should be aware of the following circumstances that courts consider when assessing whether there was sufficient probable cause in making a lawful arrest:
  - a. Direct observations of the police officer;
  - b. Knowledge of the prior criminal record or criminal activity of the person arrested;
  - c. Flight accompanied by other factors;
  - d. Evasive answers and/or conflicting stories;
  - e. Time of day or night;

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<sup>5</sup> See, e.g., M.G.L. c. 90 § 21 (motor vehicle violations); M.G.L. c. 90, § 41 (narcotics); M.G.L. c. 209A, §6(7) (domestic abuse/209A violations)

- f. History of criminal activity in the particular area;
  - g. Experience of the officer; and
  - h. Reliable hearsay.
4. Hearsay statements often present problems in establishing probable cause and also evidentiary problems during trial. Usually, they are derived from three principal sources:
- a. Statements from the victims and/or witnesses;
  - b. Statements from other police officers;
  - c. Statements from informants.
  - d. It is this latter source – statements from informants -- that is most closely scrutinized when used to establish probable cause. An officer relying on the hearsay statement of an informant must:
    - i. Show the circumstances establishing the reliability of the informant;
    - ii. Show the circumstances establishing the reliability of the informant's information.

**G. Supervision of the Arrestee:** Once an arrest is made, it then becomes the responsibility of the arresting officer and any other officer involved to take measures necessary to ensure that an individual in custody does not injure him/herself or others, and that said person does not escape or dispose of evidence.

**H. Search Incidental to Arrest:** At the time of arrest, a "search incidental to arrest" may be conducted. This search must be limited in scope to the area within the "immediate control" of the suspect and must be conducted contemporaneously with the arrest. Immediate control means that area from which the suspect might gain control of a weapon or destructible evidence.<sup>6</sup>

- 1. A search incidental to arrest does not give justification for searching locked or closed areas and the search must be limited to a search for weapons or evidence of the crime for which the arrest is made. The search for weapons must end when the prisoner is secure, poses no threat, and has no means of escape. The search must then be limited to evidence relative to the crime for which the arrest was made.

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<sup>6</sup> See M.G.L. c. 276, § 1

2. If there is no physical evidence associated with the crime, the search incidental to arrest must be limited to weapons only and must end when the prisoner is secure.
3. For locked containers or closed areas that cannot be properly searched incident to an arrest, but which have potential evidentiary value, officers should secure the items and seek a search warrant.

**I. Conversation with the Arrestee:** At the time of arrest, unnecessary conversation should be avoided and any orders or statements to the persons arrested should be clear and brief.

**J. *Miranda* Warnings:** Persons arrested shall be given the *Miranda* Warnings prior to interrogation (*See* Cambridge Police Policy entitled, **#425 - Interrogating Suspects and Arrestees**).

1. The warnings should be read from a card or other permanent record to ensure that none of the conditions contained within the warning are omitted. This procedure is beneficial for other reasons:
  - a. The card itself can later be introduced as evidence;
  - b. Officers have tangible proof that they have not relied solely on memory;
  - c. The suspect can also be permitted to read the card.
2. Each officer giving the warning shall ask and verify that the person arrested has heard and understood the warnings so given.
3. No questioning of arrested persons shall take place until these warnings have been given, and the suspect has confirmed that he or she has heard and understood them. However, if suspects freely choose to divulge information without questioning there is no violation of rights simply because they were not given these warnings. There is no requirement that an officer prevent suspects from continuing to talk and, any such statements shall be noted and incorporated as part of the officer's official report. However, if an officer wishes to gain further information through questioning, the warnings shall be given, and the suspect shall expressly waive his or her *Miranda* rights, before any questioning takes place.

**K. Arrest of a Juvenile:** Upon the arrest of a juvenile, the Shift Commander will be responsible for ensuring the parent or guardian of the juvenile offender and the Juvenile Probation Office have been notified at the time of booking.

It is necessary to notify the Juvenile Probation Department so as to provide prompt release of a juvenile consistent with Massachusetts General Law c. 119, § 66, which discourages the detention of juvenile offenders unless, in the opinion of the arresting officer or the Probation Department, cause exists to hold such juvenile. *See M.G.L. Chapter 119, § 67. See also Cambridge Police Department Policy No. #430 - Juvenile Justice Guidelines.*

- L. Transportation of Arrestee:** Once a person is placed under arrest, the individual shall be searched incidental to the arrest, properly handcuffed, and then, promptly and safely transported to the police station in accordance with departmental procedures.
- M. Booking Procedures:** Upon arrival at the police station, the individual(s) arrested shall be booked and processed in accordance with departmental procedures.
- N. Court Arraignment:** After departmental booking procedures are completed, the persons arrested shall be brought to court forthwith, if it is in session, or if it is not, at the next regular sitting of the court.
- O. Arrest and Associated Police Reports:** Arresting officers will be responsible for completing an incident report documenting the circumstances of the arrest and all related arrest reports and forms associated with the arrest, in accordance with established department policies and procedures.
- P. Use of Force:** Force should only be used when there is resistance or reasonable certainty of resistance. The amount of force shall be restricted to that which is reasonable, necessary, and proper for the safe custody of the arrestee, or for overcoming any resistance that may be offered. An arrestee has no right to resist arrest, lawful or unlawful, by a police officer, unless the officer uses excessive force. *See Cambridge Police Department Policy # 400 - Use of Force.*

## **VI. ARRESTS MADE WITH A WARRANT:**

- A. Basis for Warrant:** An arrest warrant issued pursuant to a criminal complaint must be founded upon probable cause supported by oath or affirmation, but it is not necessary to recite the facts that constitute probable cause in the complaint.

- B. Jurisdiction of the Warrant:** An arrest warrant may be directed to and executed in any place within the Commonwealth.<sup>7</sup>
  
- C. Limitations on Warrants:** The District Court Department may authorize the issuance of an arrest warrant in any case except where the accused is a juvenile less than twelve (12) years of age.
  
- D. Proper Authorization:** The warrant must be obtained from the proper authority and must be signed by the authorized court official issuing it (refer to M.G.L. c. 276, §2A - Warrant Management System).

  - 1. The following judicial officers have the statutory authority to issue arrest warrants:

    - a. Justices of the Supreme Judicial Court, the Superior Court, and the District Court Departments; and
    - b. A Clerk/Magistrate, Assistant Clerk/Magistrate, Temporary Clerk/Magistrate, or Temporary Assistant Clerk/Magistrate of a District Court Department.
  
- E. Checking for Authorization:** Prior to serving an arrest warrant, an officer should examine it carefully to determine what the officer's powers are under it and to ensure that:

  - 1. A court of competent jurisdiction and authority has issued it;
  - 2. It clearly names and describes the person to be arrested or, if his/her name is unknown, any name or description by which he/she can be identified with reasonable certainty;

**Note:** A so-called "John Doe" warrant without further satisfactory and sufficient description is unlawful and void.
  - 3. The officer is authorized to serve it;
  - 4. It clearly describes the offense for which the arrest is to be made.

**Note:** The warrant shall recite the substance of the offense charged and it shall command that the defendant be arrested and brought before the court.

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<sup>7</sup> See G.L. c. 41, §§ 95, 98



**F. Grounds for Arrest:** A person arrested on a warrant, or otherwise taken into custody by a police officer, has a right to know the true grounds for such arrest.

1. The officer need not have the warrant in his/her possession at the time of arrest; however, upon request the officer should immediately advise the defendant of the charges contained within the warrant.
2. Upon request, the arresting officer will show the computer printout of the warrant to the defendant while being booked at the police station.
3. If the officer does not then know of the offense charged, he/she shall inform the defendant thereof within a reasonable time after the arrest.

**G. Completion of Return:** The officer executing a warrant is responsible for making sure that the warrant has had a “locate” placed against it within the Criminal Justice Information System, and the Automated Warrant Management System. (See Cambridge Police policy entitled, “445- Arrest Warrant” for additional details).

## VII. ARRESTS WITHOUT WARRANT:

**A. General Consideration:** Warrantless arrests merit much more detailed study because of the subjective factors involved. If an unlawful arrest is made, any search made incidental to that arrest will be found unlawful and any evidence seized will likely be declared inadmissible. Any confession or admission made by the person arrested may also be excluded in a criminal trial, if made after an unlawful arrest.

**B. Conditions for Warrantless Arrests:** An arrest without a warrant may be lawfully made in the following circumstances:

1. A felony committed in the officer's presence or when the officer has probable cause to believe that a felony has been committed;
2. A misdemeanor committed in the officer's presence and causing or threatening to cause a breach of the peace which is continuing or only briefly interrupted;
3. A misdemeanor not amounting to a breach of the peace committed in the officer's presence when such arrest is authorized by statute; and
4. Certain misdemeanors for which arrest is allowed even though such misdemeanors were not committed in the officer's presence.

**C. Grounds for Warrantless Arrests:** In addition to the conditions above, all officers should be able to point to specific factors that justify an arrest without a warrant. Examples of such factors are:

1. Whether they saw the crime being committed;
2. Whether they saw the suspect attempt to run away;
3. Whether the suspect provided prompt and direct replies to questions or whether the suspect was vague and confused;
4. Whether the officer, in prior similar situations, had reasonable cause for arrest; and
5. Whether the officer received information about the suspect from other persons, and if so, whether they were reasonably certain of the reliability of that person and the information received.

### **VIII. EXTRA-TERRITORIAL ARREST:**

**A. Jurisdictional Restraints:** Other than constitutional safeguards, the other major constraint on the power of arrest involves jurisdictional issues. Generally, the power to arrest ceases at the boundaries of the officer's city or town. However, there are four instances in which an officer may make "extraterritorial" arrests, that is, arrests outside the limits of that officer's city or town.

1. An officer may "on fresh and continued pursuit" pursue and arrest an offender in any other city or town in Massachusetts if:
  - a. The offense is one for which a warrantless arrest is authorized; and
  - b. The offense was committed in the officer's presence; and
  - c. The offense was committed in the officer's jurisdiction (city or town).<sup>8</sup>
2. If there is a mutual aid agreement in effect between the officer's city or town and the city or town to which the officer has been assigned under the mutual aid agreement, the officer may exercise the same authority in such city or town as he/she exercises in his/her own city or town.<sup>9</sup>

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<sup>8</sup> See generally M.G.L. c. 41, § 98A. See also *Commonwealth v. LeBlanc*, 407 Mass. 70, 72-73 (1990) (police officer may *not* pursue motor vehicle into neighboring jurisdiction in order to cite driver for non-arrestable offense; authority is limited to arrestable offenses).

<sup>9</sup> See M.G.L. c. 40, § 8G

3. When a police officer makes a warrantless arrest outside his jurisdiction, and not in fresh and continuous pursuit of a suspect, then he acts as a private citizen, and arrest will be held valid only if the private citizen would be justified in making the arrest under the circumstances. Requirements for citizen's arrest are, however, relaxed in the case of arrests by police officers acting outside their jurisdiction, in which case officers need only have probable cause to believe that a felony has been committed and that the suspect has committed it.<sup>10</sup> Except where exigent circumstances require immediate intervention by the officer (for example, high risk to public health and safety), it is recommended that officers contact the police department having jurisdiction for assistance.
4. An officer may, upon "on fresh pursuit," pursue and arrest a suspect whom the officer has probable cause to believe has committed a felony in Massachusetts and fled to another state, if that other state has in force similar interstate felony fresh pursuit laws (New York and all New England states have such laws).

## IX. ARRESTS IN DWELLINGS:

- A. Authority to Enter a Dwelling:** To execute an arrest warrant, police officers may enter the dwelling of the person named in the warrant.
1. An officer may enter a suspect's home to serve an arrest warrant without obtaining a search warrant, provided there is a reasonable suspicion to believe that the suspect is there.
  2. To serve an arrest warrant on private property, police officers must first knock and announce their authority and purpose (unless the warrant issued is a "No Knock and Announce Warrant"), and wait a reasonable period to be admitted.
  3. Once a reasonable time has passed and the officers have not been voluntarily admitted, and the officers have reasonable cause to believe that the wanted person is on the premises, officers may use whatever force is reasonably necessary to gain entrance.

**Note:** The officer should first assess whether it is prudent to force entry into a private dwelling, based upon various factors. *The least amount of force that will accomplish an entrance should always be used.* Further, officers should always seek the approval of a supervisory officer prior to resorting to forcible entry into a dwelling.

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<sup>10</sup> See Commonwealth v. Claiborne, 423 Mass. 275 (1996)

4. Police officers must knock, announce their identity, and state their purpose unless the circumstances justify dispensing with one or all these requirements.<sup>11</sup> If the police officers reasonably believe that announcing their presence and purpose will endanger themselves or others, or will result in the escape of the suspect or the destruction of evidence, they may dispense with the announcement of authority and purpose. In such cases, they may attempt to deceive the suspect into voluntarily opening the door, or gain entrance by a ruse, if this will result in a safe and successful apprehension with less destruction of property or risk of harm to persons.<sup>12</sup>

**B. Serving a Warrant at Another’s Dwelling:** Police officers may serve an arrest warrant at the dwelling of a party not named in the warrant.

1. If the police seek to arrest a person in someone else's dwelling they may do so:
  - a. If lawful consent to enter is granted by the occupant of the dwelling; or
  - b. If exigent circumstances are present which excuse the failure to obtain a search warrant;
  - c. If consent is not obtained, and if exigent circumstances do not exist, police officers must obtain a search warrant before entering a third party’s residence to execute an arrest warrant for a defendant who is inside.<sup>13</sup>
2. The following exigent or emergency circumstances may excuse the failure to obtain a warrant before entering a dwelling to make an arrest:
  - a. The defendant is charged with a crime of violence;
  - b. There is reason to believe that the suspect is armed, either based on the nature of the crime charged or independent information;
  - c. There is a clear demonstration of probable cause to arrest;
  - d. There is strong reason to believe the suspect is in the dwelling;
  - e. There is a strong likelihood that the suspect would escape if not apprehended immediately;
  - f. Whether the entry can be made peaceably; and/or

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<sup>11</sup> See *Commonwealth v. Antoine*, 417 Mass. 637, 638 (1994)

<sup>12</sup> See *Commonwealth v. Sepulveda*, 406 Mass. 180, 182-83 (1989) (police may employ non-threatening ruse to gain entry into residence).

<sup>13</sup> *Steagald v. United States*, 451 U.S. 204, 222 (1981).

- g. Whether the entry would be in the nighttime (or could be made in the daytime when clerk/magistrates are more readily available).

**C. Warrantless Arrest in Dwelling:** With regard to making a warrantless arrest in a dwelling, the police officer should first determine whether a warrantless entry and arrest is allowed by law. When officers seek to make an entry into and arrest in a dwelling the following standards apply:

1. If the arrest pursuit was set in motion in public, the officer may make a hot pursuit warrantless entry into a private dwelling if the suspect runs into the dwelling.
2. If a police officer seeks to arrest a person in that person's own dwelling, they may do so:
  - a. If lawful consent to enter is granted; or
  - b. If exigent circumstances are present which excuse the failure to obtain an arrest warrant.
  - c. Absent lawful consent to enter or exigent circumstances, police officers must obtain an arrest warrant.
3. If a police officer seeks to arrest a person in someone else's dwelling, they may do so:
  - a. If lawful consent to enter is granted; or
  - b. If exigent circumstances are present which excuse the failure to obtain a search warrant;
  - c. Otherwise, they must obtain a search warrant.

**D. Arrest in a Public Place:** Generally, no arrest warrant (or search warrant) is required to arrest a person who is in a public place.<sup>14</sup>

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<sup>14</sup> *United States v. Santana*, 427 U.S. 38 (1976); *Commonwealth v. Claiborne*, 423 Mass. 275, 278-81 (1996)

**X. POLICE DISCRETION TO ARREST:<sup>15</sup>**

- A. Use of Discretion in Public Interests:** Although police officers must always be guided by the intent and purpose of the law, there are limited circumstances when the public interest would be better served by an officer electing not to make an arrest, even though there is legal justification for such action. These circumstances include, but are not limited to, the following:
1. When an arrest could aggravate community conflict or possibly precipitate a serious disorder.
  2. When there is a greater priority to respond to a more serious crime or to an urgent public emergency.
  3. When neighborhood quarrels, noisy parties, landlord/tenant problems and minor disturbances of the peace occur, but no serious crime has been committed, and the officer can successfully act as a mediator.
  4. When juveniles commit relatively minor offenses, and where a warning and a talk with the juvenile's parents can resolve the behavior appropriately, without court involvement.
  5. In other minor offenses where a summons can effectively accomplish the intended purpose of the law.

**XI. OFFICER SAFETY:**

- A. Precautionary Measures:** Arresting officers should not act in a careless or routine manner, but should always take all the necessary steps to ensure their own personal safety and that of the public. There is no such thing as a "routine arrest" – all arrests create the potential for danger. Officers should remain alert at all times. As a secondary consideration, arresting officers should also be cognizant of securing destructible evidence. Such steps shall include, but are not limited to:
1. Obtaining assistance when necessary, whether before or after the arrest. This is particularly advisable when:
    - a. There is more than one person to be arrested;
    - b. A dangerous crime is involved, involving the use of a dangerous weapon or another serious felony; or

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<sup>15</sup> CALEA Std. 1.2.7 – *A written directive governs the use of discretion by sworn officers.*

- c. Prior experience has shown the need for assistance in particular situations.
2. Searching for and seizing any instruments capable of inflicting serious bodily injury or causing death, and securing evidence of any crime.
3. Making a search of the area within the immediate reach and control of the persons arrested for weapons or destructible evidence.
4. Keeping the persons arrested in front of the officer and under direct observation at all times. If more than one officer is present, the additional officer shall never pass or position him/herself between the arresting officer and the person arrested.
5. Always exercise good defensive posture and weapon retention strategies when dealing with any person who is about to be arrested.

## **XII. OFF-DUTY ARRESTS:**

- A. Disadvantages of Off-Duty Arrests:** While in an off-duty capacity, officers are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle as they would while working. This could lead to unnecessary injuries to off-duty officers and confusion for those on-duty officers arriving at the scene trying to correctly assess the facts. (See Cambridge Policy entitled, *#205 – Off-Duty Powers & Conduct.*)
- B. When Off-Duty Arrests are Admissible:** Off-duty arrests will be permitted when an officer is off duty, within the legal jurisdiction of this police department, and when *all* of the following three circumstances are present:
  1. There is an immediate need for the prevention of a crime or apprehension of a suspect.
  2. The arresting officer has in his or her possession valid Department issued police identification.
  3. There exists a likelihood that the delay created by calling for and awaiting the arrival of on duty personnel would:
    - a. Allow the subject to escape or remain unknown;
    - b. Allow further criminal activity; or
    - c. Allow the situation to escalate to a more serious degree than if the arrest

was to be made immediately.

- C. Refraining from Enforcing Minor Violations:** Off-duty officers shall refrain from enforcing minor violations (such as parking infractions or minor motor vehicle offenses), unless the officer has reason to believe that the violation may progress to a more serious crime or lead to personal injury.
- D. When to Avoid Making Arrests:** Off-duty officers shall refrain from making arrests in situations in which they are personally involved. "Personally involved" for the purposes of this Policy shall mean that the officer was involved with the suspect in a non-criminal dispute or other matter which escalates to the point where a crime has been committed, and an arrest can be made. In these incidents, on duty officers assess the situation and make any decisions on further legal action. This does not apply to those instances where the police officer him/herself is the victim of a crime.
- E. Alert for Criminal Activity:** While off-duty, it is the responsibility of each member of this department to be alert to any suspected or observed criminal activity and report that activity to on duty officers, or to take action as authorized in this directive.
- F. When Action is Taken Off-Duty:** When an off-duty arrest becomes necessary, the arresting officer shall abide by all department regulations concerning arrests. The officer shall use only that force necessary to detain the subject securely and then shall contact the police station for assistance. The officer will be responsible for filing a complete and comprehensive police report on the incident immediately, and shall notify the on-duty shift commander of the circumstances surrounding the arrest.
- G. When Arrests are prohibited:** When engaged in off-duty employment (other than private paid details) of a non-police nature, officers are prohibited from making arrests that are only in furtherance of the interests of the private employer.